

Lay Advocacy on Montana Reservations
prepared for the State-Tribal Relations Committee by Laura Sankey Keip
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Assiniboine and Sioux Tribes (Fort Peck)

- Source: Fort Peck Tribes Comprehensive Code of Justice
 - Title II, chapter 5: Attorneys and Lay Counselors
- Lay Counselor Qualifications:
 - Be at least 21 years old
 - Have high moral character and integrity
 - Do not have been dishonorably discharged from the Armed Services
 - Successfully complete a bar exam administered by the Tribal Executive Board
 - Do not have any felony convictions in any jurisdiction
- The Clerk of Court maintains a list of attorneys and lay counselors admitted to practice in Tribal Court
- Members of the Tribal Executive Board are prohibited from practicing as attorneys or lay counselors
- Possible Lay Advocacy Resource:
 - Fort Peck Community College: Federal Indian Law and Policy class

Blackfeet Nation

- Source: Blackfeet Tribal Law and Order Code
 - Chapter 9, Rule 10: Attorneys and Counselors
- Lay Advocate Qualifications:
 - Must be a member of the Blackfeet Tribe
 - The Court may determine other terms and conditions for admission of a lay advocate
 - The Court has discretion to admit other advocates who successfully complete an application and a questionnaire on Tribal Law prepared by the Chief Judge
- Lay Advocacy Resource:
 - Blackfeet Community College: 1-year Tribal Advocate Certificate

Chippewa Cree Tribe (Rocky Boy's)

- Source: Chippewa Cree Tribe Law and Order Code
 - Title III: Criminal Procedure
 - Chapter 6, Rule 6.1: Initial Appearance and Arraignment
 - The judge must inform the defendant of his or her right to an attorney at the defendant's own expense, or to have lay counsel or someone else with the defendant
 - Chapter 7, Rule 7.1: Trial Procedure
 - The defendant has the right to be present through the trial, and to defend him- or herself in person, by friend, or by lay counsel or professional attorney at the defendant's own expense
- Lay Advocate Qualifications

- I wasn't able to locate any specific requirements in the Law and Order Code
- Possible Lay Advocacy Resource:
 - Stone Child College: Indian Law class; History of Tribal Government of Rocky Boy's Reservation class

Confederated Salish and Kootenai Tribes

- Source: CSKT Laws Codified
 - Part 4: Representation by Counsel
 - Anyone appearing as a party in Tribal Court has a right to be represented by an attorney or other person admitted to practice before the Court at the person's own expense
 - Part 5: Admission to Practice in Tribal Court
- Tribal Court Advocate Qualifications:
 - Must be employed by CSKT as a Tribal Court advocate
 - Must be certified by a tribal attorney that the advocate is qualified to represent individuals and proceedings before the Tribal Court
- Other "Nontraditional" Representation:
 - Law students may be admitted to practice if supervised by an attorney admitted to the Tribal Court bar
 - Child Support Investigators may appear for limited purposes
 - Pro Se representation is specifically authorized
 - A tribal member may represent another adult tribal member if:
 - The representation is free
 - The representative has not been convicted of a felony
 - The representative had not been adjudged incompetent
- Possible Lay Advocacy Resource:
 - Salish Kootenai College:
 - 2-year Associate's Degree in Tribal Governance and Administration
 - 4-year Bachelor's Degree in Tribal Governance and Administration
 - CSKT internal/employee training

Crow Nation

- Crow Law and Order Code
 - Title III, Chapter VII: Admission to Practice Before the Court
 - Advocates are held to the same rules of the court, including rules for professional conduct, as licensed professional attorneys
- Advocate Qualifications:
 - Must be at least 18 years old
 - Must demonstrate competency and good character and fitness
 - Competency is determined by a Tribal bar exam
 - Good character and fitness is demonstrated by 2 supporting affidavits from non-relatives or business associates, and consent to undergo a background check and/or fingerprint check if requested by the Tribal Court
- Little Big Horn College's website is currently undergoing maintenance and isn't available

Gros Ventre and Assiniboine Tribes (Fort Belknap)

- Source: The Laws of the Gros Ventre and Assiniboine Tribes
 - Title I, Part X: Professional Attorneys and Lay Counsel
- Lay Counsel Qualifications:
 - Must pass the Fort Belknap bar exam
 - May not have been convicted of a felony
 - May not have been convicted of a misdemeanor within the last year
 - Any questions of an advocate's good standing are to be decided by the Chief Judge
- Possible Lay Advocacy Resource:
 - Aaniiih Nakoda College: Federal Indian Law class

Northern Cheyenne Tribe

- Source: 1998 Law and Order Code of the Northern Cheyenne Tribe
 - Title IV: Rules of Civil Procedure and Civil Code
 - Rule 2A: Acts or Failures to Act which Constitute Contempt of Court
 - Misbehavior or other willful neglect or violation of duty of an attorney or lay counselor
 - Title V: Rules of Criminal Procedure Code
 - Rule 9: Procedure at Arraignment
 - The Court must advise the defendant of his or her right to counsel at the defendant's expense and the right to have counsel present before entering a plea or making any statement
 - Rule 22: Rights of Defendant in Criminal Case
 - Includes the right to be present throughout the proceeding and to defend him- or herself in person, by lay counsel, or professional attorney at the defendant's own expense
- General Bar Admission Qualifications:
 - Be of good moral character
 - Be at least 21 years old
 - Do not have been convicted of a felony or a misdemeanor within a year before the date of admission to the Reservation Court Bar
- Lay Advocacy Qualifications:
 - Must show completion of a training session in criminal law and procedure and civil law and procedure
 - Must have an understanding of the Appellate Court and procedure
 - Must have an understanding of legal writing and drafting of appropriate court forms
- Possible Lay Advocacy Resource:
 - Chief Dull Knife College: Law and the American Indian class